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10/566,511	01/30/2006	Oliver Schreyer	DE030274	7343

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER
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LAFORGIA, CHRISTIAN A

ART UNIT	PAPER NUMBER
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2131

MAIL DATE	DELIVERY MODE
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05/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/566,511

Applicant(s)

SCHREYER ET AL.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/30/06
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-6 have been presented for examination.

#### *Priority*

2. Acknowledgment is made of applicant's claim for foreign priority.

#### *Information Disclosure Statement*

3. The information disclosure statement (IDS) submitted on 30 January 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

#### *Specification*

4. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.
5. The disclosure is objected to because it fails to provide for at least the section "Brief Description of the Drawings." As provided in 37 CFR 1.77(b), the specification of a utility application should include the sections listed below in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading.

#### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).

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- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not

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necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

6. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1-4 and 6, the phrase "particularly" renders the claim

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indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

*Claim Rejections - 35 USC § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 3, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,185,199 to Balfanz.

11. As per claim 1, Balfanz teaches a network apparatus comprising:

a biometry module for detecting biometrical data of a user (Figure 2 [block 208], column 1, lines 60-67, i.e. fingerprint sensor or any one or more known developed biometric devices);

a configuration module which is adapted to determine an unambiguous network identifier and/or an unambiguous initial key from biometrical data (column 5, line 64-66, i.e. the biometric information is used to generate keys) provided by the biometry module for the encrypted communication (particularly in the configuration phase) with a second apparatus (column 1, lines 34-35, column 2, lines 62-64, column 5, lines 64-67, i.e. securing communications over a communication medium, keys are used in group communication). The Applicant's use of the "and/or" requires that the prior art teach the unambiguous network identifier, the unambiguous initial key from biometric data, or both. Since Balfanz discloses a method for generating keys

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from biometric data that are used to encrypt communications, the limitations of claim 1 are met.

Examples of generating an unambiguous identifier from biometric data can be found in U.S.

Patent Application Publication No. 2002/0176611 to Dong.

12. Regarding claim 3, Balfanz teaches that the communication with the second apparatus takes place in a wireless or wired way, particularly via a power supply mains (Figures 1 and 2 [block 600], column 3, lines 11-12).

13. As per claim 6, Balfanz teaches a method of configuring a communication connection between a network apparatus and a network (column 1, lines 34-35, column 2, lines 62-64, i.e. securing communications over a communication medium), wherein biometrical data of a user are detected by the apparatus (Figure 2 [block 208], column 1, lines 60-67, i.e. fingerprint sensor or any one or more known developed biometric devices) and an unambiguous initial key is derived therefrom (column 5, line 64-66, i.e. the biometric information is used to generate keys), which initial key is known in the network from previous and/or simultaneous inputs of the same biometrical data and is used for a secure communication (particularly in the configuration phase) (column 6, line 51 to column 7, line 14, i.e. storing membership information).

14. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0176611 to Dong, hereinafter Dong.

15. As per claim 5, Dong teaches a method of assigning a network apparatus to a network, wherein biometrical data of a user are detected by the apparatus (Figures 1 [blocks 26], 2 [block 40], 3 [block 68], paragraph 0013, i.e. fingerprint scanner receiving data representing a scanned

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fingerprint) and an unambiguous network identifier is derived therefrom (paragraphs 0012, 0014, i.e. generating or formulating an IP address from the user's fingerprint), which identifier is used and known in the network from previous and/or simultaneous inputs of the same biometrical data (Figures 2 [block 38], 3 [blocks 66, 78], paragraph 0016, i.e. fingerprint files contain the fingerprints of its service subscribers or the IP addresses based on the fingerprints).

*Claim Rejections - 35 USC § 103*

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balfanz in view of U.S. Patent Application Publication No. 2004/0111625 to Duffy et al., hereinafter Duffy.

18. Regarding claim 2, Balfanz does not teach eliminating the biometrical data of a user after their use by the configuration module.

19. Duffy teaches eliminating the biometrical data of a user after their use by the configuration module (paragraphs 0044, 0103).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to eliminate the biometric data after it has created the key, since one of ordinary skill would recognize that eliminating the biometric data after it has created the key or identifier would prevent a hacker or unauthorized user from duplicating the identifier or key if the system were ever compromised.



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21. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balfanz in view of U.S. Patent No. 5,802,199 to Pare, Jr. et al., hereinafter Pare.

22. Regarding claim 4, Balfanz does not teach that the configuration module is adapted to manage a list of biometrical data and/or data derived from said list for different users of an authorized user group.

23. Pare teaches managing a master user biometric database that contains the biometric samples of all users registered with the identification system (Abstract, column 3, lines 46-66)

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the configuration module adapted to manage a list of biometrical data and/or data derived from said list for different users of an authorized user group, since Pare states at column 3, lines 33-43 that managing users using a master database provides for an easy, non-obtrusive way of obtaining biometric data and storing it in a cost-effective manner.

#### *Conclusion*

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

26. The following patents are cited to further show the state of the art with respect to keys generated using biometric data, such as:

United States Patent Application Publication No. 2005/0081035 to Togawa, which is cited to show establishing secure communications using a fingerprint for authentication and key generation.

United States Patent Application Publication No. 2006/0198514 to Lyseggen et al., which is cited to show generating short-lived keys from biometric data.

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United States Patent No. 5,848,231 to Teitelbaum et al., which is cited to show configuring a network connection based on biometric input.


27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792.

The examiner can normally be reached on Monday thru Thursday 7-5.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian LaForgia  
Patent Examiner  
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A handwritten signature in black ink, appearing to read 'Christian LaForgia', is written over the printed name and title.

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